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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,606	06/30/2000	Henry C. Yuen	YUN-13402/03	8540

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EXAMINER

AKERS, GEOFFREY R

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 05/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/607606

Applicant(s)

Yuan

Examiner

Akens, G

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

THE REPLY FILED 5/6/03 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see NOTE below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_

4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because:

No material amendment has been achieved.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1-9

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_

DR. GEOFFREY R. AKERS, P.E.  
PRIMARY EXAMINER

5/14/03

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## **DETAILED ACTION**

### ***Reply to Applicant's Response***

1. This action is issued in reply to applicant's Response(Paper #16) filed 11/18/02.
2. No claims were amended; none were added; none were deleted.
3. Claims 2-3,6,8-9 are still pending.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-3,6,8-9 are rejected under 35 USC 103(a) as unpatentable over Godin(US Pat. No:5,890,138) in view of Herz(US Pat. No: 5,754,938).
6. As per claim 8 Godin teaches a method of purchasing goods or services over a network(Abstract). Godin teaches the minimum cost of an item(col 3 line 36) and a product street price(col 3 line 38)(Fig 4) as well as a starting price(Fig 4)(col 3 line 33). Godin further teaches a reverse auction method(Abstract)(col 1 line 58-col 2 line 14) as well as soliciting successively lower prices in the reverse auction from a second set of buyers(col 2 lines 1-14) Herz teaches conducting a search over the network to determine the most favorable advertised price for the goods or services on a sort by price structure(col 8 line 66-col 9 line 17)(col 14 line 50-57)(col 70 lines 10-27)(Fig 16/1600/1601/1602/1603/1604/

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1605/1606/1607/1608/1609). It would have been obvious to one skilled in the art at the time of the invention to combine Godin in view of Herz to teach the above. The motivation to combine is to teach a system that allows users to navigate through a plethora of information in information-retrieval technology as enunciated by Herz(col 2 lines 3-10).

7. As per claim 9 Godin teaches a method of purchasing goods or services over the Internet(Abstract). Godin teaches the minimum cost of an item(col 3 line 36) and a product street price(col 3 line 38)(Fig 4) as well as a starting price(Fig 4)(col 3 line 33) thereby obtaining a posted price associated with the goods from this class of vendors from the Internet. Godin further teaches a reverse auction method(Abstract)(col 1 line 58-col 2 line 14) as well as soliciting successively lower prices in the reverse auction from a second set of buyers(col 2 lines 1-14) and the subsequent purchase of the item(col 2 lines 9-14) through the reverse auction process. Godin does not specifically teach sorting items based on price. Herz teaches the method wherein the electronic purchasing of objects over the Internet is presented(col 70 lines 10-14) whereby automated browsing and clustering concepts are used to more effectively group items by price(col 7 lines 19-27) including the lowest price. Herz does teach browsing concepts to permit information retrieval to sort on price(col 70 line 25) as well as the calculation of price differences(col 14 lines 50-57). Herz further teaches conducting a search over the network to determine the most favorable advertised price for the goods or services on a sort by price structure(col 8 line 66-col 9 line 17)(col 70 lines 10-27)(Fig

16/1600/1601/1602/1603/1604/1605/1606/1607/1608/1609). It would have been obvious to one

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skilled in the art at the time of the invention to combine Godin in view of Herz to teach browsing over the distribution of vendors for favorable prices through heirarchical clustering and categorization labels (col 70 lines 21-27).The motivation to combine is to teach a system that allows users to navigate through a plethora of information in information-retrieval technology as enunciated by Herz(col 2 lines 3-10).

8. As per claim 2 Godin teaches the method of claim 8, wherein the network is the Internet(Abstract)(col 3 lines 14-18)(Fig 1/6).

9. As per claim 3 Herz teaches the method of claim 8, wherein the step of conducting a search over the network includes the use of a search engine(col 7 lines 9-44). It would have been obvious to one skilled in the art at the time of the invention to combine Godin in view of Herz to teach that the use of a browser includes utilizing an existing search engine.The motivation to combine is to teach a system that allows users to navigate through a plethora of information in information-retrieval technology as enunciated by Herz(col 2 lines 3-10).

10. As per claim 6 Herz teaches the method of claim 9, wherein the step of conducting a search over the network includes the use of a search engine(col 7 lines 9-44). It would have been obvious to one skilled in the art at the time of the invention to combine Godin in view of Herz to teach that the use of a browser includes utilizing an existing search engine.The motivation to combine is to teach a system that allows users to navigate through a plethora of information in information-retrieval technology as enunciated by Herz(col 2 lines 3-10).

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***Response to Arguments***

10. Applicant's arguments filed 11/18/02 have been fully considered but they are not persuasive. Applicant acknowledges that the navigation through information by search engines is part of applicant's invention. The remaining portion of this invention is addressed by Herz. In Herz, target objects are equivalent to products and target profiles are price levels for these target objects(products) as well as characteristics of the products that a user(customer) finds desirable. Herz conducts a sort by price structure to find the most favorable advertised price for a target object(product)(col 8 line 66-col 9 line 17)(col 14 line 50-57)(col 70 lines 10-27)(Fig 16).Herz further employs clustering concepts to effectively group items by price(col 7 lines 19-27) as well as utilizing browsing methods to permit information retrieval to sort on price(col 70 line 25) and the calculation of price differences(col 14 lines 50-57).Godin also teaches submitting a starting bid over the Internet(col 2 line 46) for any party as well as collecting one or more reverse bids over the Internet(Abstract) where each successive reverse bid represents a price lower than the starting price(col 2 lines 48-54) and selecting a final bid from among the reverse bids(col 6 line 37-col 7 line 8)(Fig 12) and purchasing the goods using the final bid(col 6 lines 56-58)(col 2 lines 60-64).Combination of Godin with Herz to teach finding the lowest possible price from the differences in prices obtained above and for which the starting bid is an upper bound is established.The motivation to combine is to teach a system that permits users to navigate through the product information(target characteristics) over a distribution of vendors for favorable advertizing prices using clustering and categorization labels(col 70 lines 21-27) as taught by Herz

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to obtain the lowest possible posted price(target characteristic) from which to establish the starting bid in the reverse auction in the procedure toward obtaining the best auction price.

***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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12. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

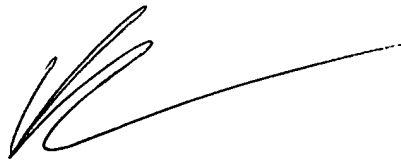
The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 2100 or this Art Unit is (703)-746-7239 or 7240. Any inquiry of a general nature or

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relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-305-3900.

GRA

January 29, 2003



VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600